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CEXHUB001.nmes.lcl (:::1) with mapi id 14.03.0224.002; Thu, 23 Jul 2015  
13:57:36 -0600  
From: "Landen, Michael, DOH" <Michael.Landen@state.nm.us>  
To: "Frank, Sondra, BME" <Sondra.Frank@state.nm.us>, "Kesner, Ben., RLD"  
<Ben.Kesner@state.nm.us>, "Zurlo, Dominick, DOH"  
<Dominick.Zurlo@state.nm.us>, "Williams, Mark, DOH"  
<Mark.Williams@state.nm.us>  
CC: "Rocke, Cathy, DOH" <Cathy.Rocke@state.nm.us>, "Hayes, Michal, DOH"  
<Michal.Hayes@state.nm.us>, "Burke, Daniel, DOH" <Daniel.Burke@state.nm.us>  
Subject: RE: Statute for Naloxone with regard to the NMDOH  
Thread-Topic: Statute for Naloxone with regard to the NMDOH  
Thread-Index: AdDEB+0mq9mOwRXSSCe6hSk0s9MqVgAAa0ugAFo6d1UAA9INYA==  
Date: Thu, 23 Jul 2015 19:57:35 +0000  
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References:  
<E412625E9D2D0841861A76CACE0CE5F8168D8B0F@CEXMB003.nmes.lcl>, <B6049650E7BD8D44A97BB  
D23BBC9E5452687A64E@CEXMB003.nmes.lcl>  
<9B37428309453646BFC4E21D7BF6BE25B7BD9D16@CEXMB002.nmes.lcl>  
In-Reply-To: <9B37428309453646BFC4E21D7BF6BE25B7BD9D16@CEXMB002.nmes.lcl>  
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X-MS-TNEF-Correlator:  
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Content-Transfer-Encoding: quoted-printable  
MIME-Version: 1.0

Sondra,

Thanks - we will continue to work to get on the same page.

Mike

-----Original Message-----

From: Frank, Sondra, BME  
Sent: Thursday, July 23, 2015 12:30 PM  
To: Kesner, Ben., RLD; Zurlo, Dominick, DOH; Landen, Michael, DOH; Williams=  
, Mark, DOH  
Cc: Rocke, Cathy, DOH; Hayes, Michal, DOH; Burke, Daniel, DOH  
Subject: RE: Statute for Naloxone with regard to the NMDOH

I agree with Ben. The statutes cited do not address the storage issues. =  
Why not issue licenses to homeless shelters and others to legalize the stor=  
age process? Seems like an easy solution and it would meet the BOP statuto=  
ry mandates for storage.

As to non-health care providers distributing, I also agree with Ben, but I =  
think its a minor issue given that boards controlling these licensees are l=  
ikely, like the NMMB, to allow the practice if under DOH protocols.

Food for thought.

Sondra Frank  
Executive Director

New Mexico Medical Board  
2055 S. Pacheco, Bldg #400  
Santa Fe, NM 87505  
505-476-7221  
505-476-7237 (fax)

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From: Kesner, Ben., RLD  
Sent: Tuesday, July 21, 2015 5:15 PM  
To: Zurlo, Dominick, DOH; Frank, Sondra, BME; Landen, Michael, DOH; Williams, Mark, DOH  
Cc: Roche, Cathy, DOH; Hayes, Michal, DOH; Burke, Daniel, DOH  
Subject: RE: Statute for Naloxone with regard to the NMDOH

Hi Dominick,

Thank you for the information.

I see nothing related to the storage of Naloxone.  
In addition, I see nothing that allows a non-health care worker to distribute.

I am planning on not presenting the regulation changes we were discussing regarding Naloxone.  
Instead, as discussed, the NMDOH will handle regulation changes.

Personally, based on what you sent, I don't think you have the statutory authority.  
But, I am not a lawyer.

Thank you, Ben

Ben Kesner  
Executive Director  
Regulation and Licensing Department  
New Mexico Board of Pharmacy  
(505) 222-9838 - Office  
(505) 222-9845 - Fax  
ben.kesner@state.nm.us<mailto:ben.kesner@state.nm.us>  
www.rld.state.nm.us/pharmacy<http://www.rld.state.nm.us/pharmacy>

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From: Zurlo, Dominick, DOH  
Sent: Tuesday, July 21, 2015 4:56 PM  
To: Kesner, Ben., RLD; Frank, Sondra, BME; Landen, Michael, DOH; Williams, Mark, DOH  
Cc: Roche, Cathy, DOH; Hayes, Michal, DOH; Burke, Daniel, DOH  
Subject: Statute for Naloxone with regard to the NMDOH

Good afternoon Sondra and Ben,  
Thank you again for the meeting this afternoon. Here are the statutes withi=

n the Public Health Act we discussing in the meeting. The naloxone specific= one is 24-23-2, the others listed here are the statutes which give authori= ty to the NMDOH to carry out the provisions of the act.

Thank you very much,

Dominick

24-23-1 C, O and V NMSA 1978. Powers and authority of department.

C. investigate, control and abate the causes of disease, especially epide= mics, sources of mortality and other conditions of public health;

....

O. maintain and enforce such rules as may be necessary to carry out the p= rovisions of the Public Health Act and to publish the rules;

....

V. do all other things necessary to carry out its duties.

24-23-1 NMSA 1978. Authority to administer opioid antagonists; release from= liability.

A. A person authorized under federal, state or local government regulatio= ns, other than a licensed health care professional permitted by law to admi= nister an opioid antagonist, may administer an opioid antagonist to another= person if:

(1) he, in good faith, believes the other person is experiencing a drug o= verdose ; and

(2) he acts with reasonable care in administering the drug to the other p= erson.

B. A person who administers an opioid antagonist to another person pursua= nt to Subsection A of this section shall not be subject to civil liability = or criminal prosecution as a result of the administration of the drug.

History: Laws 2001, ch. 228, =A7 1.

24-23-2 NMSA1978. Health care professionals; release from liability. (2001)=

A licensed health care professional who is permitted by law to prescribe a= n opioid antagonist, if acting with reasonable care, may prescribe, dispens= e, distribute or administer an opioid antagonist without being subject to c= ivil liability or criminal prosecution.

History: Laws 2001, ch. 228, =A7 2

Dominick V. Zurlo, M.A. Educational Psychology Hepatitis and Harm Reduction= Program Manager New Mexico Department of HEALTH (NMDOH) Harm Reduction Web= site: <http://nmhealth.org/about/phd/idb/hrp/>

Searchable HIV/STD/Hepatitis/Harm Reduction resources on the web: [www.nmhivguide.org](http://www.nmhivguide.org)

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